

(Docket Entry Nos. 156, 157)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

HERBERT COUNCIL,

Plaintiff,

v.

JOHN NASH, et al.,

Defendants.

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Civil No. 06-07 (RBK/KMW)

ORDER

THIS MATTER having come before the Court on motions by Plaintiff Herbert Council (“Plaintiff”) seeking a continuance of the trial date (Docket Entry No. 156) and seeking a legal furlough (Docket Entry No. 157); and

IT APPEARING TO THE COURT that Plaintiff seeks a continuance of the trial date until after September 9, 2009; and

IT FURTHER APPEARING TO THE COURT that the trial date has already been adjourned until September 21, 2009; and

IT FURTHER APPEARING TO THE COURT that Plaintiff seeks a legal furlough to attend the trial; and

THE COURT NOTING that if Plaintiff is still incarcerated at the time of the trial, his presence may be secured with a writ of habeas corpus, see 28 U.S.C. § 2241; and

THE COURT FINDING that a legal furlough is therefore unnecessary;

IT IS HEREBY ORDERED that Plaintiff’s motion for a continuance of the trial date is

DISMISSED as moot; and it is further

ORDERED that Plaintiff's motion for a legal furlough is DENIED.

Dated: 5-20-09

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge